



The following constitutes the order of the court.
Signed July 16, 2013

William J. Lafferty, III

William J. Lafferty, III
U.S. Bankruptcy Judge

Lincoln Law, LLP
Carl R. Gustafson, Bar No. 254881
Tessa Meyer Santiago, Utah Bar 09324, *pro hac vice*
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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In Re:) BANKRUPTCY CASE NO.: 10-71788
)
Jesus Edgar Montano,	) Chapter 7
)
Debtor	) ADVERSARY CASE NO.: 11-04008 WJL
)
_____	) ORDER ON DEFENDANT'S MOTION
	) FOR ASSIGNMENT OF RIGHTS
	) PURSUANT TO CCP§708.510(a) AND
	) FRCP 69(a)
HERITAGE PACIFIC FINANCIAL, LLC, a)
Texas Limited Liability Company)
Plaintiff,)
)
v.	) Hearing time: 10.30 a.m.
	) Hearing date: June 12, 2013
JESUS EDGAR MONTANO,	) Hearing Place: Room 220, 1300 Clay Street,
	) Oakland, California, 94612
Defendant.)

Order on Defendant Jesus Montano's Motion for Order of Assignment

ORDER

On May 13th, 2013, Defendant and Judgment Creditor Jesus Montano moved the Court, pursuant to FRCP 69(a), made relevant herein by Bankr. R. 7069, and California Code of Civil Procedure §708.510(a), for an order enforcing the judgment of \$70,867.31 rendered in his favor and entered by this Court on January 25, 2013. The motion sought an assignment of rights to monies, accounts, accounts receivables and general intangibles owed Heritage Pacific Financial, LLC that is owed to it by or in the possession of specifically identified third parties. Hearing was set for June 12, 2013 at 10.30 a.m. in Room 220 of the United States Bankruptcy Court, 1300 Clay Street, Oakland, California.

Ms Tessa Meyer Santiago, LINCOLN LAW, represented the Defendant Jesus Montano at the hearing.

Plaintiff/Judgment Debtor Heritage Pacific Financial, LLC and its attorneys of record in the adversary proceeding were both properly served notice of the hearing, the motion and the supporting memorandum. Plaintiff's opposition was due no later than May 29, 2013. No opposition was filed, and Heritage Pacific was not represented at the hearing.

Having considered Defendant's moving papers, heard oral argument, and good cause having been shown, the Court now finds as follows:

1. that Heritage Pacific Financial is indebted to Jesus Montano in the amount of \$70,867.31, plus post-judgment interest accruing at \$27.18 cents daily since January 26, 2013;

Order on Defendant Jesus Montano's Motion for Order of Assignment

- 1 2. that Heritage Pacific Financial has not satisfied the judgment, and has not
2 responded to post-judgment interrogatories served on it by Defendant Montano, nor
3 made any payments towards satisfying the judgment; and,
4
5 3. that Heritage Pacific Financial has not posted a supersedeas bond to stay collection
6 of the judgment.

7 Therefore, pursuant to Bankruptcy Rule 7069 and California Code of Civil Procedure
8 §708.510(a), IT IS HEREBY ORDERED that

9 A. Financial Institutions

10
11 All rights, accounts, accounts receivables, rights to payment of money and general
12 intangibles owed to and in favor of Heritage Pacific Financial, LLC in the possession of
13 CAPITAL ONE, National Association, 1860 Capital One Drive, McClean, VA 2210, are
14 assigned to Jesus Montano until satisfaction of the judgment;

15
16 All rights, accounts, accounts receivables, rights to payment of money and general
17 intangibles owed to and in favor of Heritage Pacific Financial, LLC in the possession of J.P.
18 MORGAN CHASE BANK, 2780 Lake Vista Drive, Lewisville, TX 75067, are assigned to
19 Jesus Montano until satisfaction of the judgment;

20
21 All rights, accounts, accounts receivables, rights to payment of money and general
22 intangibles owed to and in favor of Heritage Pacific Financial LLC, in the possession of
23 HSBC, One HSBC Center, 27th Floor, Buffalo, NY 14203 are assigned to Jesus Montano
24 until satisfaction of the judgment.

25 The payments ordered under item A must be paid to Lincoln Law, LLP, 1525 Contra
26 Costa Blvd., Pleasant Hill, CA 94523.

27
28 Order on Defendant Jesus Montano's Motion for Order of Assignment

1 B. Automated Payment Processors

2 All rights, accounts, accounts receivables, rights to payment of money and general
3 intangibles owed to and in favor of Heritage Pacific Financial, LLC in the possession of
4 First ACH, 9693 Gerwig Lane Suite A, Columbia, MD, 21146 USA are assigned to Jesus
5 Montano until satisfaction of the judgment.
6

7 The payments ordered under item B must be paid to Lincoln Law, LLP, 1525 Contra
8 Costa Blvd., Pleasant Hill, CA 94523.
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10 C. Settlement Agreements of Debtors represented by Counsel in their
11 Adversary Proceedings.

12 All rights, accounts, accounts receivables, rights to payment of money, and
13 general intangibles owed and in favor of Heritage Pacific Financial, LLC due from the
14 settling defendants in the adversary proceedings identified below are assigned to Jesus
15 Montano until satisfaction of the judgment. Any monies owed under these agreements
16 which flow to Heritage Pacific Financial and its assignees, are hereby assigned to Jesus
17 Montano until the judgment has been satisfied.
18

19 U.S. BANKRUPTCY COURT--CENTRAL DISTRICT OF CALIFORNIA

- 20 a) GUERRERO, Eduardo, defendant in *Heritage Pacific Financial, LLC v.*
21 *Guerrero*, Case No. 2:11-AP-01223, Bankr. C.D. California;
22 b) SANTIZO, Omar, defendant in *Heritage Pacific Financial, LLC v. Santizo*, Case
23 No. 6:10-AP-01525, Bankr. C.D. California;
24 c) PINEDA, Joel R., defendant in *Heritage Pacific Financial, LLC v. Pineda*, Case
25 No. 6:10-AP-01513, Bankr. C.D. California;
26 d) LEMUS, Yolande F., defendant in *Heritage Pacific Financial, LLC v. Lemus*,
27 Case No. 6:10-AP-01092, Bankr. C.D. California;
28

Order on Defendant Jesus Montano's Motion for Order of Assignment

- 1 e) OROZCO, Rosalba Patricia, defendant in *Heritage Pacific Financial, LLC v.*
2 *Orozco*, Case No. 6:10-AP-01599, Bankr. C.D. California;
- 3 f) VALADEZ, Rafael Razo, defendant in *Heritage Pacific Financial, LLC v.*
4 *Valadez*, Case No. 9:10-AP-01282, Bankr. C.D. California;
- 5 g) BIRCH, Danielle, defendant in *Heritage Pacific Financial, LLC v. Birch*, Case
6 No. 8:10-AP-01480, Bankr. C.D. California;
- 7 h) SANOSYAN, Vahram, defendant in *Heritage Pacific Financial, LLC v.*
8 *Sanosyan*, Case No. 2:10-AP-03182, Bankr. C.D. California;
- 9 i) GONZALEZ, Maria, defendant in *Heritage Pacific Financial, LLC v. Gonzalez*,
10 Case No. 9:10-AP-01313, Bankr. C.D. California;
- 11 j) MARQUEZ, Michael C., defendant in *Heritage Pacific Financial, LLC v.*
12 *Marquez*, Case No. 9:11-AP-01042, Bankr. C.D. California;
- 13 k) MEDINA, Miguel A, defendant in *Heritage Pacific Financial, LLC v. Medina*,
14 Case No. 9:11-AP-01085, Bankr. C.D. California;
- 15 l) VALENCIA, Jose Alfredo, defendant in *Heritage Pacific Financial, LLC v.*
16 *Valencia*, Case No. 8:11-AP-01047, Bankr. C.D. California;
- 17 m) PALACIO, Rodulfo, defendant in *Heritage Pacific Financial, LLC v. Palacio*,
18 Case No. 8:11-AP-01022, Bankr. C.D. California;
- 19 n) PETERS, Walter, defendant in *Heritage Pacific Financial, LLC v. Peters*, Case
20 No. 2:11-AP-02290, Bankr. C.D. California;
- 21 o) ESPINO, Servando, defendant in *Heritage Pacific Financial, LLC v. Espino*,
22 Case No. 8:10-AP-01553, Bankr. C.D. California;
- 23 p) CERVANTES, Albert, defendant in *Heritage Pacific Financial, LLC v.*
24 *Cervantes*, Case No. 2:11-AP-01733, Bankr. C.D. California;
- 25 q) RAMIREZ, Vivanco, defendant in *Heritage Pacific Financial, LLC v. Ramirez*,
26 Case No. 2:11-AP-01150, Bankr. C.D. California;
- 27 r) ATUNEZ, Juan A., defendant in *Heritage Pacific Financial, LLC v. Atunez*,
28 Case No. 6:11-AP-01569, Bankr. C.D. California;
- s) DRISCOLL, Robert Edward Jr., defendant in *Heritage Pacific Financial, LLC v.*
Driscoll, Case No. 2:11-AP-02333, Bankr. C.D. California;

Order on Defendant Jesus Montano's Motion for Order of Assignment

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- 2 t) MABSON, Duane, defendant in *Heritage Pacific Financial, LLC v. Mabson*,
Case No. 2:10-AP-02445, Bankr. C.D. California;
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- 4 u) ORTIZ, Rosa Maria, defendant in *Heritage Pacific Financial, LLC v. Ortiz*, Case
No. 8:11-AP-01018, Bankr. C.D. California;
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- 6 v) LAO, Peter, defendant in *Heritage Pacific Financial, LLC v. Lao*, Case No.
2:11-AP-01335, Bankr. C.D. California;
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- 8 w) FUENTEZ, Deanna Marie, defendant in *Heritage Pacific Financial, LLC v.*
Fuentez, Case No. 6:10-AP-01750, Bankr. C.D. California;
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- 10 x) AQUINO, Darwin Camerino, defendant in *Heritage Pacific Financial, LLC v.*
Aquino, Case No. 1:11-AP-01268, Bankr. C.D. California;
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- 12 y) VITAL, Jaime, defendant in *Heritage Pacific Financial, LLC v. Vital*, Case No.
6:11-AP-01694, Bankr. C.D. California;
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- 14 z) TOVMASSIAN, Gary, defendant in *Heritage Pacific Financial, LLC v.*
Tovmassian, Case No. 2:11-AP-01972, Bankr. C.D. California;
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- 16 aa) MARQUEZ, Sergio, defendant in *Heritage Pacific Financial, LLC v. Marquez*,
Case No. 6:11-AP-01069, Bankr. C.D. California;
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- 18 bb) TALAVERA, Elpidio, defendant in *Heritage Pacific Financial, LLC v.*
Talavera, Case No. 6:11-AP-01910, Bankr. C.D. California;
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- 20 cc) VALENCIA, Hector G., defendant in *Heritage Pacific Financial, LLC v.*
Valencia, Case No. 2:11-AP-02630, Bankr. C.D. California;
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- 22 dd) ROBES, Flora, defendant in *Heritage Pacific Financial, LLC v. Robes*, Case No.
2:11-AP-02375, Bankr. C.D. California;

23 U.S. BANKRUPTCY COURT—EASTERN DISTRICT OF CALIFORNIA

- 24 a) VICENTE, Angelina, defendant in *Heritage Pacific Financial, LLC v. Vicente*,
Case No. 11-02016, Bankr. E.D. California;
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- 26 b) ADAMS, Jeffery P., defendant in *Heritage Pacific Financial, LLC v. Adams*,
Case No. 11-02127, Bankr. E.D. California;
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- 28 c) TORELL, Michael Andrew, defendant in *Heritage Pacific Financial, LLC v.*
Torrell, Case No. 11-01080, Bankr. E.D. California;

Order on Defendant Jesus Montano's Motion for Order of Assignment

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- 2 d) GARCIA, Adriana, defendant in *Heritage Pacific Financial, LLC v. Garcia*,
Case No. 10-02766, Bankr. E.D. California;
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- 4 e) BEELARD, Jessica and Eric, defendants in *Heritage Pacific Financial, LLC v.*
Beelard, Case No. 10-02798, Bankr. E.D. California;
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- 6 f) RAMOS, Samuel, defendant in *Heritage Pacific Financial, LLC v. Ramos*, Case
No. 10-09066, Bankr. E.D. California;
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- 8 g) MORENO, Victor, defendant in *Heritage Pacific Financial, LLC v. Moreno*,
Case No. 11-01113, Bankr. E.D. California;
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- 10 h) COUNTOURIOTIS, George Edward, defendant in *Heritage Pacific Financial,*
LLC v. Countouriotis, Case No. 10-02744, Bankr. E.D. California;
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- 12 i) MARTINEZ, Gerardo and Martha, defendants in *Heritage Pacific Financial, LLC*
v. Martinez, Case No. 11-01198, Bankr. E.D. California;
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- 14 j) JEFFORD, Nadine Ann, defendant in *Heritage Pacific Financial, LLC v.*
Jefford, Case No. 11-02246, Bankr. E.D. California;
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- 16 k) JIMENEZ, Roger Avila, defendant in *Heritage Pacific Financial, LLC v.*
Jimenez, Case No. 10-02525, Bankr. E.D. California;

17 U.S. BANKRUPTCY—NORTHERN DISTRICT OF CALIFORNIA

- 18 a) MALDIA, Kim, defendant in *Heritage Pacific Financial, LLC v. Maldia*, Case
No. 11-05013, Bankr. N.D. California;
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- 20 b) ROMAN, Ana Laura, defendant in *Heritage Pacific Financial, LLC v. Roman*,
Case No. 11-05134, Bankr. N.D. California.

21 U.S. BANKRUPTCY COURT—Southern District of California

- 22 a) JORDAN, Verena, defendant in *Heritage Pacific Financial, LLC v. Jordan*, Case
No. 11-90051, Bankr. S.D. California;
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- 24 b) PROO, Barbara, defendant in *Heritage Pacific Financial, LLC v. Proo*, Case No.
11-90029, Bankr. S.D. California;
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- 26 c) LUND, James Thomas, defendant in *Heritage Pacific Financial, LLC v. Lund*,
Case No. 11-90399, Bankr. S.D. California;
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28 Order on Defendant Jesus Montano's Motion for Order of Assignment

1 d) DEKOEKKOEK, Laurens, defendant in *Heritage Pacific Financial, LLC v.*
2 *Dekoekkoek*, Case No. 11-90491, Bankr. S.D. California;

3 U.S. BANKRUPTCY COURT—District of Nevada

4 a) SPARTACUS, Susan, defendant in *Heritage Pacific Financial, LLC v.*
5 *Spartacus*, Adversary Proceeding No. 11-01145, Bankr. D. Nevada;

6 The payments ordered under item C must be paid to Lincoln Law, LLP, 1525 Contra
7 Costa Blvd., Pleasant Hill, CA 94523.

8 IT IS HEREBY ORDERED that all the monies due Heritage Pacific Financial from the
9 rights, accounts, accounts receivables, rights to payment of money, and general intangibles
10 owed and in favor of Heritage Pacific Financial, LLC in the possession of the financial
11 institutions, payment processors, and settling debtors represented by counsel in their adversary
12 proceeding i.e., the obligors, named in this Order shall be paid to and on behalf of Defendant,
13 by a check, draft, money order or wire transfer, payable to the order of LINCOLNLAW,
14 attorneys for Jesus Edgar Montano in the above-entitled action, that such funds be forwarded to
15 Carl R. Gustafson, LINCOLN LAW, LLP, 1525 Contra Costa Blvd, Pleasant Hill, 94523, CA
16 until the total of the judgment in the above-entitled action be paid in full herein.
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19 IT IS HEREBY ORDERED that Defendant's counsel shall submit to the Court on a
20 monthly basis a status report detailing the monies received from the obligors identified in this
21 Order. This status report shall contain the following information: 1) the obligor from whom the
22 funds were received, 2) date on which the funds were received, 3) the amount of the funds
23 received, and 4) the amount remaining to be satisfied on the judgment. The status report shall
24 be filed bi-monthly, beginning 30 days from the entry of this order, and every 60 days following
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Order on Defendant Jesus Montano's Motion for Order of Assignment

1 until satisfaction of the judgment. This report shall also be served on Heritage Pacific Financial,
2 at 2200 K Avenue, Plano, TX, 75074.

3 When the judgment is satisfied, Defendant shall file a satisfaction of judgment with the
4 Court, and serve a copy on each obligor identified in this Order and on Heritage Pacific.
5

6 Defendant shall timely inform obligors when the judgment is satisfied, and return,
7 within three (3) days, any funds received in excess of the judgment amount.

8 IT IS HEREBY ORDERED that Heritage Pacific Financial is enjoined from assigning
9 or otherwise disposing of the right to payment assigned by this order, except upon a showing of
10 need.
11

12 This order does not function as a levy against deposit accounts and is without
13 prejudice to Defendant's ability to seek a levy in the future.

14 Defendant may resubmit his motion for an assignment order relating to the Chapter 13
15 trustees, the attorneys of Heritage Pacific Financial, and the debtors represented in their
16 underlying bankruptcy case in accordance with the requests and for the reasons orally stated on
17 the record.
18

19 ***END OF ORDER***
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Order on Defendant Jesus Montano's Motion for Order of Assignment

COURT SERVICE LIST

Heritage Pacific Financial, LLC
2200 K. Avenue
Plano, TX 75074

Order on Defendant Jesus Montano's Motion for Order of Assignment